

AGENDA ITEM
February 18, 2020

Subject: Chapter 25A Plumbing Board

Department: Planning & Zoning

Because the administration is unable to find qualified persons willing to devote the time needed to serve on the plumbing and electrical boards the two ordinances amending plumbing and electrical procedures is suggested to provide adequate review of applicants and technical submissions and provide a reasonable avenue for due process appellate procedure.

**A GENERAL ORDINANCE OF THE CITY OF NEVADA, MISSOURI AMENDING
CHAPTER 25A OF THE MUNICIPAL CODE OF THE CITY OF NEVADA, MISSOURI.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEVADA, MISSOURI,
THAT:**

Section 1. Portions of Chapter 25A of the Code of the City of Nevada, Missouri, are amended as hereafter provided.

Section 2. Section 25A-1. – Plumbing Inspector, is amended to read as follows:

(a) There is hereby created the office of plumbing inspector to be appointed by the city manager. The plumbing inspector shall issue all plumbing permits, make plumbing inspections and perform all such duties as are provided by this chapter, and as are usually performed by a city plumbing inspector.

(b) Additionally, the Plumbing Inspector shall:

- (1) Set-up Prometric Testing for master and journeyman plumbers once qualifications have been verified.
- (2) Suspend, revoke or reinstate a certificate, if it is found that the holder hereof has materially failed to comply with the minimum standards of work and equipment; has willfully violated the provisions of this chapter; has deliberately or unduly hindered or interfered with the inspection of plumbing installations; has secured a plumbing certification by any fraud, misrepresentation or false statement contained in the application for a certificate or the examination therefor.
- (3) Receive complaints or charges against any certificate holder.
- (4) Keep record of all applications, examination results, certificates issued, and charges against any person.
- (5) Recommend any changes in this chapter to the City Council, make any rules on this chapter's interpretation provided that such interpretations do not abridge, modify or jeopardize the minimum

accepted standards of work cited in this chapter.

- (c) The City Manager will Prescribe the rules and regulations consistent with the provisions of this chapter of hearings before the City Manager of his designee.

Section 3. Section 25A-2. – Definitions, is amended to read as follows:

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative authority means the city manager or his authorized representative.

Apprentice plumber. An apprentice plumber license may be issued to a person who (1) begins his apprenticeship after the age of 16; and (2) is engaged in learning the plumbing trade by working with and assisting a licensed journeyman or master plumber in the installation, maintenance and repair of plumbing and draining. A licensed apprentice plumber shall be permitted to work with and assist a journeyman, master plumber, or plumbing contractor in learning the plumbing trade.

Plumbing inspector means an individual appointed by the city manager of the city, or the city manager's authorized representative, to inspect plumbing within the city.

Educational equivalent may be accepted in lieu of practical experience. The administrative authority may exempt persons with formal educational equivalent of practical experience required for license from the requirement of practical experience if other requirements are met and the applicant provides the administrative authority with curriculum and accreditation which is found by the administrative authority to be the reasonable equivalent to the education to be gained by the required years of practical experience. If the administrative authority concludes the education claimed is not equivalent, the applicant may appeal the authority's decision to the plumbing inspector which shall decide the issue after an investigation of the applicant's educational record, the school, its accreditation, and the work history of its graduates which information shall be provided by the applicant.

Journeyman plumber. A journeyman plumber license may be issued to a person who has (1) at least three years full time experience in the plumbing profession on work subject to the requirements of the IPC ; (2) successfully completed a Prometric examination as prescribed for a journeyman plumber, scoring a grade of not less than 75 percent, and who has been licensed as a journeyman plumber. A journeyman plumber shall be permitted to install plumbing as an employee of a licensed plumbing contractor or under the supervision, direction and control of a master plumber.

Master plumber. A master plumber license may be issued to a person who has (1) at least five years full time experience in the plumbing profession on work subject to the requirements of the IPC; (2) established his knowledge of the practical skill in planning, supervising and installing plumbing, and knows the rules and regulations governing the same by successfully completing a Prometric examination as prescribed for a master

plumber, scoring a grade of not less than 75 percent. A person licensed as a master plumber shall be permitted to engage in all aspects of the plumbing business, to supervise the work of plumbing contractors, and to supervise, direct and control the work of journeyman plumbers and to supervise, direct and control the training of apprentice plumbers.

Plumbing code: The contents of chapter 25A of the Code of the City of Nevada, Missouri, the 2018 International Plumbing Code, copyrighted by the International Code Council, Inc., International, the amendments and modifications made by the City of Nevada, Missouri, and regulations issued pursuant to the Plumbing Code of the City of Nevada, Missouri.

Plumbing contractor. A plumbing contractor's license may be issued to a person, firm or corporation that (1) is engaged in the business of installing or repairing plumbing, piping, gas fittings or drainage systems; (2) has been issued a city contractor's occupation license, and (3) is licensed and certified as a master plumber, or employs at least one fulltime master plumber licensed by the city who supervises, controls and directs the prosecution of the plumbing work of the firm.

Section 4. Section 25A-3. – Licenses, is amended to read as follows:

- (a) *Application.* Any person desiring to secure a license shall make application therefor on forms to be prepared and provided by the plumbing inspector. Before a license is issued, the plumbing inspector shall determine that the applicant is competent and qualified to practice plumbing on the level of the license for which the application is made, that the applicant is familiar with the provisions of the plumbing code, and that the applicant makes passing grades on any required tests for said license. The plumbing inspector may grant a license, without examination, upon payment of the stated fees, to a holder of a substantially equivalent license from another jurisdiction if the standards and qualifications required by the other jurisdiction are substantially equivalent to those required by the city.
- (b) *Terms; transferability; fees and penalties.* Every license issued by the city manager or his designee shall be for a period ending on May 31 next following, and shall not be transferable. The initial fee for each such annual license or renewal thereof shall be in the amount established by the city council and shall be paid to the city collector before any license or renewal thereof is issued. If a license is not applied for on or before July 1 of each year, or within 30 days after the applicant has practiced as a competent and qualified plumber, a penalty of ten percent of the license fee shall be imposed for each month thereafter, provided that in no case shall the penalty exceed the amount of the license fee.
- (c) *Plumbing business.* Every person engaged in the business of plumbing shall employ only licensed plumbers in the practice thereof.
- (d) *Use of licensee's name by another.* No person who has obtained a plumber's license shall allow his name to be used by another person either for the purpose of obtaining permits, or for doing business or work under the license

- (e) *Suspension or revocation.* Any applicant for a plumbing certification whose application has been rejected by the plumbing inspector, or a person whose certification has been suspended or revoked by the Hearing Officer, or a person who has been ordered by the plumbing inspector to incur any expense in alteration or repair of construction of a plumbing system, may within ten days thereafter appeal from the order or rejection to the Board of Appeals, by giving notice to the Plumbing Inspector in writing of such an appeal. Such notice or a copy thereof which shall after hearing, by a majority vote, affirm, annul or modify the action of the inspector.

Section 5. Section 25A-7. –Enforcement of plumbing code (d), is amended to read as follows:

- (d) *Appeal from order to correct a defect, error or deficiency.* Any plumber or plumbing contractor ordered to correct a defect, error or deficiency, may, within the ten day notice period, appeal from the order of the plumbing inspector or his designee to the City Manager by filing a written statement of his desire to appeal the decision of the plumbing inspector. The City Manager shall hold a hearing on the matter, and render a decision.

Section 6. Section 25A-8. – Promulgation and approval of rules and regulations is amended to read as follows:

- (a) *Promulgation of rules.* The city manager or his designee is hereby empowered to promulgate such rules and regulations in accordance with the provisions of the plumbing code as may be required, and any rule or regulation so promulgated shall have the same force and effect as the plumbing code, but no person shall be bound thereby until such rule or regulation has been posted in a conspicuous place at the main office of the city manager or his designee for a period of not less than three business days except that presentation to any person of a written copy of any rule or regulation shall be in lieu of the above stated posting requirement as to that person.
- (b) *Notice of rulemaking.* No rule or regulation shall be promulgated until a notice of proposed rulemaking, which shall contain the entire content of the proposed rule or regulation, has been made available for public inspection at the office for the city manager or his designee, for a period of three business days, and if, during that period, a public hearing on the proposed rule or regulation is requested by any interested person, it shall be had as soon after the close of the third business day as is practicable; provided that where a proposed rule or regulation is to be applicable to known persons only, in lieu of such posting, a copy thereof shall be sent by regular mail or delivered in person to each such person and, if hearing is waived or not requested within two business days after notice would have been received in the ordinary course of the mail, no hearing shall be had. Any person who has requested a hearing shall not take any action inconsistent proposed rule or regulation pending the final determination after the hearing, which shall be made within ten days

subsequent to the close of the hearing, and if no such determination has been made within that time, the proposed rule or regulation shall be deemed rejected.

Section 7. Section 25A-9. Unauthorized practice of plumbing (c) is amended to read as follows:

- (c) *Maintenance, construction or repair in violation of code unlawful.* It shall be unlawful to maintain, construct or repair any plumbing in the city in violation of or without full compliance with this chapter, the International Plumbing Code as adopted by the city, and the rules and regulations issued pursuant to this chapter. Violations will be subject to the general penalty provisions of this Code.

Section 8. Section 25A-12. Protection of water supply system, is amended to read as follows:

The City Manager shall make such rules and regulations in furtherance of the purposes of the plumbing code and not inconsistent with the specific provisions of such code for installation, repair or alteration of air conditioning systems, water treatment equipment and such other water operated devices as it may deem necessary to properly protect the water supply system.

Section 9. This ordinance shall be in full force and effect from and after its date of passage and approval.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Nevada, Missouri, this 3rd day of March, 2020.

(seal)
ATTEST:

George Knox, Mayor

Johnna Williams, Deputy City Clerk